

SOUTHERN ENVIRONMENTAL LAW CENTER

Telephone 919-967-1450

601 WEST ROSEMARY STREET, SUITE 220
CHAPEL HILL, NC 27516-2356

Facsimile 919-929-9421

December 9, 2019

VIA ELECTRONIC FILING

The Honorable Jocelyn G. Boyd
Chief Clerk/Administrator
Public Service Commission of South Carolina
101 Executive Center Drive, Suite 100
Columbia, South Carolina 29210

RE: South Carolina Energy Freedom Act (H.3659) Proceeding to Establish Duke Energy Carolinas, LLC's Standard Offer, Avoided Cost Methodologies, Form Contract Power Purchase Agreements, Commitment to Sell Forms, and Any Other Terms or Conditions Necessary (Includes Small Power Producers as Defined in 16 United States Code 796, as Amended) – S.C. Code Ann. Section 58-41-20(A)

South Carolina Energy Freedom Act (H.3659) Proceeding to Establish Duke Energy Progress, LLC's Standard Offer, Avoided Cost Methodologies, Form Contract Power Purchase Agreements, Commitment to Sell Forms, and Any Other Terms or Conditions Necessary (Includes Small Power Producers as Defined in 16 United States Code 796, as Amended) – S.C. Code Ann. Section 58-41-20(A)

Docket Nos. 2019-185-E and 2019-186-E

Dear Ms. Boyd:

Please find enclosed for filing the *Motion by Southern Alliance for Clean Energy and South Carolina Coastal Conservation League for Reconsideration of Commission Scheduling Order Date* (collectively, "Conservation Groups"). Conservation Groups ask for limited reconsideration of one date set forth in the Commission's recently issued scheduling order in the above-referenced proceedings. Namely, Conservation Groups ask the Commission to consider issuing its full Order in the Duke Energy avoided cost proceedings on or shortly after December 27, 2019 (instead of December 23, 2019) to increase the number of business days the parties have to review the Commission's order and prepare any petitions for the Commission's consideration regarding the Order.

Pursuant to the electronic service agreement in these dockets, we are serving a copy of the filings on all parties of record. Please contact me if you have any questions concerning this filing.

Sincerely,

/s/ Lauren J. Bowen

Lauren J. Bowen

Admitted Pro Hac Vice

Southern Environmental Law Center

601 West Rosemary Street, Suite 220

Chapel Hill, NC 27516

Telephone: (919) 967-1450

lbowen@selcnc.org

Attorney for South Carolina

Coastal Conservation League and

Southern Alliance for Clean Energy

STATE OF SOUTH CAROLINA
BEFORE THE PUBLIC SERVICE COMMISSION

DOCKET NO. 2019-185-E
DOCKET NO. 2019-186-E

In the Matter of:
South Carolina Energy Freedom
Act (H.3659) Proceeding to
Establish Duke Energy Carolinas,
LLC's Standard Offer, Avoided
Cost Methodologies, Form
Contract Power Purchase
Agreements, Commitment to Sell
Forms, and Any Other Terms or
Conditions Necessary (Includes
Small Power Producers as Defined
in 16 United States Code 796, as
Amended) - S.C. Code Ann.
Section 58-41-20(A),
and
South Carolina Energy Freedom
Act (H.3659) Proceeding to
Establish Duke Energy Progress,
LLC's Standard Offer, Avoided
Cost Methodologies, Form
Contract Power Purchase
Agreements, Commitment to Sell
Forms, and Any Other Terms or
Conditions Necessary (Includes
Small Power Producers as Defined
in 16 United States Code 796, as
Amended) - S.C. Code Ann.
Section 58-41-20(A).

**MOTION BY SOUTHERN ALLIANCE FOR
CLEAN ENERGY AND SOUTH
CAROLINA COASTAL CONSERVATION
LEAGUE FOR RECONSIDERATION OF
COMMISSION SCHEDULING ORDER
DATE**

The South Carolina Coastal Conservation League (“CCL”) and Southern Alliance for Clean Energy (“SACE”) (collectively “Conservation Groups”) respectfully request reconsideration of a date set forth in the Public Service Commission’s Directive issued December 4, 2019 regarding scheduling in the above captioned dockets (“Commission’s Scheduling Order”).

The Commission’s Scheduling Order provides that the Commission Order in Docket Nos. 2019-185-E and Docket No. 2019-186-E (“Duke Energy proceedings”) will be issued no later than December 23, 2019. Pursuant to S.C. Code Ann. § 58-27-2150 and the Commission’s Scheduling Order, parties have up to ten days to file for rehearing or reconsideration.

If the Commission issues its Order in the Duke Energy proceedings on December 23, 2019, the deadline for any petitions for rehearing or reconsideration will be January 2, 2020. This short window of time includes the Christmas and New Year’s holidays and a weekend, leaving only three business days to review the Order and prepare and file any petitions for rehearing for the Commission’s consideration.

Conservation Groups respectfully request that the Commission consider reserving issuance of the Duke Energy avoided cost Order in Docket Nos. 2019-185-E and 186-E until on or shortly after December 27, 2019. This slight delay in the Order issuance would allow additional business days for the parties to review the Commission’s order and would avoid at least one holiday. If the Commission issues its order on December 27, any petitions for rehearing or reconsideration would be due January 6, 2019, and the Commission’s determination by 20 days later would still fall within the end of January.

Counsel for Conservation Groups have inquired with other counsel in the Duke Energy proceedings as to whether the other parties would oppose a request to hold the issuance of the Commission's Order in the above-captioned dockets until on or shortly after December 27, 2019. Counsel have inquired with Duke Energy Carolinas, Duke Energy Progress, Office of Regulatory Staff, Walmart, Johnson Development Associates, South Carolina Solar Business Alliance, Ecoplexus, Nucor Steel, and South Carolina Energy Users Committee. All parties have indicated that they do not oppose this request.

Accordingly, Conservation Groups respectfully request that the Commission hold the issuance of its Order in the Duke Energy proceedings, Docket Nos. 2019-185-E and 2019-186-E until on or shortly after December 27, 2019. Conservation Groups appreciate the Commission's time and consideration of this request.

Respectfully submitted this 9th of December, 2019.

/s/ Lauren J. Bowen
Lauren J. Bowen
Admitted Pro Hac Vice
Southern Environmental Law Center
601 West Rosemary Street, Suite 220
Chapel Hill, NC 27516
Telephone: (919) 967-1450
lbowen@selcnc.org

*Attorney for South Carolina
Coastal Conservation League and
Southern Alliance for Clean Energy*

CERTIFICATE OF SERVICE

I hereby certify that the parties listed below have been served via electronic mail with a copy of the *Motion by Southern Alliance for Clean Energy and South Carolina Coastal Conservation League for Reconsideration of Commission Scheduling Order Date* filed on behalf of the South Carolina Coastal Conservation League and Southern Alliance for Clean Energy.

Alexander W. Knowles, Counsel
Office of Regulatory Staff
1401 Main Street, Suite 900
Columbia, SC 29201
aknowles@ors.sc.gov

Andrew M. Bateman, Counsel
Office of Regulatory Staff
1401 Main Street, Suite 900
Columbia, SC 29201
abateman@ors.sc.gov

Becky Dover, Counsel
SC Department of Consumer Affairs
bdover@scconsumer.gov

Benjamin L. Snowden, Counsel
Kilpatrick Townsend & Stockton, LLP
4208 Six Forks Road, Suite 1400
Raleigh, NC 27609
bsnowden@kilpatricktownsend.com

Carri Grube Lybarker, Counsel
SC Department of Consumer Affairs
clybarker@scconsumer.gov

Carrie Harris Grundmann, Counsel
Spilman Thomas & Battle, PLLC
110 Oakwood Drive, Suite 500
Winston-Salem, NC 27103
cgrundmann@spilmanlaw.com

Derrick Price Williamson, Counsel
Spilman Thomas & Battle, PLLC
1100 Bent Creek Blvd., Suite 101
Mechanicsburg, PA 17050
dwilliamson@spilmanlaw.com

E. Brett Breitschwerdt, Counsel
McGuireWoods LLP
434 Fayetteville Street, Suite 2600
Raleigh, NC 27601
bbreitschwerdt@mcguirewoods.com

Frank R. Ellerbe III, Counsel
Robinson Gray Stepp & Laffitte, LLC
1310 Gadsden Street
Columbia, SC 29201
fellerbe@robinsongray.com

Harold W. "Trey" Gowdy, Counsel
Nelson Mullins Riley & Scarborough LLP
104 S. Main Street, 9th Floor
Greenville, SC 29601
trey.gowdy@nelsonmullins.com

Heather Shirley Smith, Deputy General Counsel
Duke Energy Carolinas, LLC
40 W. Broad Street, Suite 690
Greenville, SC 29601
heather.smith@duke-energy.com

James Goldin, Counsel
Nelson Mullins Riley & Scarborough LLP
1320 Main Street 17th Floor
Columbia, SC 29210
jamey.goldin@nelsonmullins.com

Jeremy C. Hodges, Counsel
Nelson Mullins Riley & Scarborough, LLP
1320 Main Street, 17th Floor
Columbia, SC 29201
jeremy.hodges@nelsonmullins.com

Nanette S. Edwards, Counsel
Office of Regulatory Staff
1401 Main Street, Suite 900
Columbia, SC 29201
nedwards@ors.sc.gov

Richard L. Whitt, Counsel
Whitt Law Firm, LLC
Post Office Box 362
Irmo, SC 29063
richard@rlwhitt.law

Stephanie U. (Roberts) Eaton, Counsel
Spilman Thomas & Battle, PLLC
110 Oakwood Drive, Suite 500
Winston-Salem, NC 27103
seaton@spilmanlaw.com

Robert R. Smith, II, Counsel
Moore & Van Allen, PLLC
100 North Tryon Street, Suite 4700
Charlotte, NC 28202
robsmith@mvalaw.com

Len S. Anthony, Counsel
The Law Office of Len S. Anthony
812 Schloss Street
Wrightsville Beach, NC 28480
len.anthony1@gmail.com

Rebecca J. Dulin, Counsel
Duke Energy Carolinas, LLC
1201 Main Street, Suite 1180
Columbia, SC 29201
Rebecca.Dulin@duke-energy.com

Scott Elliott, Counsel
Elliott & Elliott, P.A.
1508 Lady Street
Columbia, SC 29201
selliott@elliottlaw.us

Weston Adams III, Counsel
Nelson Mullins Riley & Scarborough, LLP
Post Office Box 11070
Columbia, SC 29211
weston.adams@nelsonmullins.com

Samuel J. Wellborn, Counsel
Robinson Gray Stepp & Laffitte, LLC
1310 Gadsden Street
Columbia, SC 29201
swellborn@robinsongray.com

This 9th day of December, 2019.

s/ Lauren Bowen
Lauren Bowen